Atty. Docket No. CQ10210
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/729,915

REMARKS

Claims 1, 3-16, and 18-29 are all the claims pending in the application.

Applicants and their representative thank the Examiner for courtesies extended during the

telephonic conference. Applicants' representative also thanks the Examiner for acknowledging

that Claims 3, 9, 19 and 24 are objected to, albeit it is not indicated in the Office Action

Summary.

I.   Claims Rejection Under 35 USC 101

Claim 11 and its dependent claims 12-15 stand rejected for failing to "display a real

world value." Claim 11 has been mended to reflect the disclosure provided on Paragraphs

[0078] - [0083] of the subject Specification. Notably, the method is now operable on data files

stored in a memory, and the resulting calculated structure is stored in a memory, thereby

providing operation in a practical application.

Claim 16 stand rejected for lacking utility. Notably, it is stated that the claimed storage

medium is not expressly disclosed in the specification. However, on the one hand, such a

rejection is not appropriate under Section 101. On the other hand, it is not clear whether the

Examiner contends that the Specification lacks written description or enablement of the claimed

feature. Regardless, it is respectfully submitted that the claim is proper under Section 101 and

the written description and enablement provided are adequate. Notably, on Paragraph [0071] it

is explained that the data organizing system can be implemented as a software executing on a

programmed general purpose computer. It is well known that for that purpose, the software must

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be stored on a storage medium, such as a hard drive, CD-ROM, etc. Moreover, since the claims

as filed form an integral part of the written description, the storage medium has been disclosed

by claim 16 as originally filed.

Claim 26 stands rejected as being directed to software per se. Claim 26 has been

amended to include input link and output links, as illustrated in Figure 18. Accordingly, it is

respectfully submitted that this rejection has been overcome.

II.   Claims Rejection Under 35 USC 103

Claims 1, 2, 11, 12, 16 and 17 stand rejected as being unpatentable over Platt in view of

Obrador. Independent claims 1, 11 and 16 have been amended to more clearly recite

distinguishing features of the invention. Notably, it is respectfully submitted that none of the

cited art discloses the clustering sensitivity parameter. While it is alleged that Obrador

"similarity criteria" teaches the claimed clustering sensitivity parameter, Applicants respectfully

disagree. Obrador's similarity criteria is the actual meta-data value. See, e.g., Paragraph [0057]

of Obrador: "...organize the collection of media objects in accordance with a selected metadata

similarity criteria (e.g., "date" in FIGS 11 and 12)." Therefore, the claims have been amended to

explicitly state that the clustering similarity parameter defines the granularity of the clustering.

Additionally, the claims now recite that similarity values are obtained by multiplying

each pair-wise difference of the meta-data by the clustering sensitivity parameter. Such a feature

is not described nor suggested in any of the prior art of record, nor any combination thereof. The

clustering is then made according to the similarity values, and the granularity of the clustering is

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defined by the clustering sensitivity parameter. Accordingly, it is respectfully submitted that

claims 1, 11 16, and their dependent claims are allowable.

Claims 4-7, 10, 13-15, 18, 20-22 and 27 stand rejected as being unpatentable over Platt in

view of Obrador and Foote. With respect to claims 4-7, 10, 13-15, 18, 20-22, it is respectfully

submitted that these claims are allowable at least for their dependence on allowable independent

claims 1, 11 and 16 as remarked above. With respect to claim 27, while Foote teaches

determining similarity values, Foote fails to teach determining similarity values as recited in

claim 27. Notably claim 27 defines the similarity values as being based, among others, on the

clustering sensitivity parameter. Foote does not teach this feature and neither does Platt nor

Obrador. Accordingly claim 27 is allowable over the cited art. Moreover, the same argument is

equally applicable to claim 4 and 20.

Further, with respect to claims 5 and 18, while Foote teaches "novelty value," Foote fails

to teach determining novelty values as recited in claims 5 and 18. Notably, the recited claim

language specifies that the novelty value is based on the similarity value. As noted above, the

claimed similarity value differs from Foote's similarity value as it includes a calculation based

on the clustering sensitivity parameter, which is lacking in Foote. Therefore, Foote's disclosure

fails to teach or suggest the claimed novelty value.

With respect to claim 6 and 22, Foote's novelty equation fails to teach or suggest the

claimed equation. That is, Foote's equation is a summation over S, i.e. the pair-wise

comparisons of the meta-data elements. On the other hand, the claimed novelty equation, as

dependent from base and intervening claims, performs a summation over S_K, i.e., the pair-wise

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comparisons of the meta-data elements <u>multiplied</u> by the clustering sensitivity parameter.

Therefore, claims 6 and 22 are allowable over the cited art.

Claims 8, 16 and 23 stand rejected as being unpatentable over Platt in view of Obrador, Foote and Schwanke. With respect to claim 8 and 23, it is respectfully submitted that these claims are allowable at least for their dependency on allowable base claims. With respect to claim 16, as noted above the claim has been amended to recite distinguishing features relating to the clustering sensitivity parameter and multiplying all of the pair-wise differences by the parameter. Therefore, claim 16 is allowable over the cited art.

Claims 28 and 29 stand rejected as being unpatentable over Platt/Obrador in view of Gargi. With respect to claim 28, Gargi discloses a weighting factor that is multiplying the extent of the cluster. On the other hand, the claimed clustering sensitivity parameter multiplies <u>each pair-wise difference</u> of the extracted meta-data. Therefore, Gargi fails to teach or suggest the claimed limitation. With respect to claim 29, the formula disclosed by Gargi fails to teach or suggest the claimed limitations, as Gargi fails to teach or suggest multiplying each pair-wise difference by the clustering sensitivity parameter. Rather, Gargi teaches to multiply the cluster extent by a weighting factor, and compare that value to the pair-wise difference of the last element in the cluster and the next element in order. Accordingly, claims 28 and 29 are allowable over the applied art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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MOUNTAIN VIEW OFFICE
23493
CUSTOMER NUMBER

Date: February 1, 2007

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is
being facsimile transmitted to the U.S. Patent and Trademark Office this
1st day of February 2007.

Sarah K. Flohr

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